Case 09-33526 Doc 1 Filed 12/04/09 Entered 12/04/09 12:30:18 Desc Main B 1 (Official Form 1) (1/08) Page 1 of 5 United States Bankruptcy Court Voluntary Petition District of Utah Name of Debtor (if individual, enter Last, First, Middle): Cardwell, Darren, Brent Name of Joint Debtor (Spouse) (Last, First, Middle): All Other Names used by the Joint Debtor in the last 8 years All Other Names used by the Debtor in the last 8 years (include married, maiden, and trade names): (include married, maiden, and trade names): Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN Last four digits of Soc. Sec. or Indvidual-Taxpayer I.D. (ITIN) No./Complete EIN (if more than one, state all): 4567 (if more than one, state all): Street Address of Debtor (No. and Street, City, and State): Street Address of Joint Debtor (No. and Street, City, and State): 3957 W. Red Tail Dr., Riverton, Utah ZIP CODE84065 ZIP CODE County of Residence or of the Principal Place of Business: County of Residence or of the Principal Place of Business: Mailing Address of Debtor (if different from street address): Mailing Address of Joint Debtor (if different from street address): PO Box 1041, Riverton, Utah ZIP CODH84065 ZIP CODE Location of Principal Assets of Business Debtor (if different from street address above) ZIP CODE Nature of Business Chapter of Bankruptcy Code Under Which Type of Debtor the Petition is Filed (Check one box.) (Form of Organization) (Check one box.) (Check one box.) Chapter 15 Petition for Health Care Business Chapter 7 Individual (includes Joint Debtors) Single Asset Real Estate as defined in Chapter 9 Recognition of a Foreign 团 Main Proceeding 11 U.S.C. § 101(51B) Chapter 11 See Exhibit D on page 2 of this form. Corporation (includes LLC and LLP) Railroad Chapter 12 Chapter 15 Petition for Partnership Stockbroker Chapter 13 Recognition of a Foreign Other (If debtor is not one of the above entities, Commodity Broker Nonmain Proceeding Clearing Bank check this box and state type of entity below.) Other **Nature of Debts** (Check one box.) Tax-Exempt Entity ■ Debts are primarily (Check box, if applicable.) Debts are primarily consumer debts, defined in 11 U.S.C. business debts. § 101(8) as "incurred by an Debtor is a tax-exempt organization П individual primarily for a under Title 26 of the United States Code (the Internal Revenue Code). personal, family, or household purpose. Chapter 11 Debtors Filing Fee (Check one box.) Check one box: ✓ Full Filing Fee attached. Debtor is a small business debtor as defined in 11 U.S.C. § 101(51D). Debtor is not a small business debtor as defined in 11 U.S.C. § 101(51D). Filing Fee to be paid in installments (applicable to individuals only). Must attach signed application for the court's consideration certifying that the debtor is unable to pay fee except in installments. Rule 1006(b). See Official Form 3A. Check if: Debtor's aggregate noncontingent liquidated debts (excluding debts owed to Filing Fee waiver requested (applicable to chapter 7 individuals only). Must insiders or affiliates) are less than \$2,190,000. attach signed application for the court's consideration. See Official Form 3B. Check all applicable boxes: A plan is being filed with this petition. Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b) Statistical/Administrative Information THIS SPACE IS FOR COURT USE ONLY Debtor estimates that funds will be available for distribution to unsecured creditors. Ī Debtor estimates that, after any exempt property is excluded and administrative expenses paid, there will be no funds available for distribution to unsecured creditors. **Estimated Number of Creditors** \square П П П П 1,000-5,001-10,001-25,001-50,001-1-49 50-99 100-199 200-999 Over 10,000 50,000 100,000 100,000 5,000 25,000 Estimated Assets ◪ \$50,001 to \$100,001 to \$500,001 \$1,000,001 \$10,000,001 \$50,000,001 \$100,000,001 \$500,000,001 More ti \$0 to \$500,000 to \$1 to \$10 to \$500 to \$1 billion \$1 billion to \$50 to \$100 \$50,000 \$100,000 million million million million million Estimated Liabilities \mathbf{A} П П П П П More than \$100,000,001 \$10,000,001 \$50,000,001 \$500,000,001 \$50,001 to \$100,001 to \$1,000,001 \$0 to \$500,001 \$1 billion \$50,000 \$100,000 \$500,000 to \$1 to \$10 to \$50 to \$100 to \$500 to \$1 billion



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Ca B 1 (Official Form	ase 09-33526 Doc 1 Filed 12/04/09	Entered 12/04/09 12:30:18	Desc Main		
Voluntary Petiti	ion	Name of Debtor(s): Cardwell, Darren, Brent			
(1 nis page must t	be completed and filed in every case.) All Prior Bankruptcy Cases Filed Within Last 8 Yo				
Location Where Filed: D	listrict of Utah	Case Number: 09-29636	Date Filed: 9/9/09		
Location		Case Number:	Date Filed:		
Where Filed:	Pending Bankruptcy Case Filed by any Spouse, Partner, or Affil	liate of this Debtor (If more than one, attach add	ditional sheet.)		
Name of Debtor:		Case Number:	Date Filed:		
District:	District of Utah	Relationship:	Judge:		
	Exhibit A	Exhibit B	in on individual		
	d if debtor is required to file periodic reports (e.g., forms 10K and	(To be completed if debtor is an individual whose debts are primarily consumer debts.)			
	ecurities and Exchange Commission pursuant to Section 13 or 15(d) Exchange Act of 1934 and is requesting relief under chapter 11.)	I, the attorney for the petitioner named in the foregoing petition, declare that I			
or the sections	Encluded the or 175 tand is requesting tener and complete trip	have informed the petitioner that [he or she]	may proceed under chapter 7, 11,		
		12, or 13 of title 11, United States Code available under each such chapter. I further of	certify that I have delivered to the		
		debtor the notice required by 11 U.S.C. § 3426	(b).		
☐ Exhibit A	is attached and made a part of this petition.	X Signature of Attorney for Debtor(s) (Date)		
			Date		
	Exhibit	С			
Does the debtor of	own or have possession of any property that poses or is alleged to pose	a threat of imminent and identifiable harm to pu	blic health or safety?		
Yes, and E	Exhibit C is attached and made a part of this petition.				
☑ No.					
	Exhibit	D			
(To be comple	eted by every individual debtor. If a joint petition is filed	1. each spouse must complete and attac	ch a sebarate Exhibit D.)		
•		•	,		
Z Exhib	it D completed and signed by the debtor is attached and i	made a part of this petition.			
If this is a joir	nt petition:				
☐ Exhib	it D also completed and signed by the joint debtor is attac	ched and made a part of this petition.			
	Information Regarding t				
Ø	(Check any applied Debtor has been domiciled or has had a residence, principal place of	business, or principal assets in this District for	180 days immediately		
	preceding the date of this petition or for a longer part of such 180 day	ys than in any other District.			
	There is a bankruptcy case concerning debtor's affiliate, general part	mer, or partnership pending in this District.			
	Debtor is a debtor in a foreign proceeding and has its principal place has no principal place of business or assets in the United States but it				
	this District, or the interests of the parties will be served in regard to				
	Certification by a Debtor Who Resides as	s a Tanant of Desidential Property			
	(Check all applica				
	Landlord has a judgment against the debtor for possession of debtor	or's residence. (If box checked, complete the fo	llowing.)		
		(Name of landlord that obtained judgment)			
		(Address of landlord)			
	Debtor claims that under applicable nonbankruptcy law, there are entire monetary default that gave rise to the judgment for possession				
	Debtor has included with this petition the deposit with the court of filing of the petition.	f any rent that would become due during the 30-	day period after the		
	Debtor certifies that he/she has served the Landlord with this certification. (11 U.S.C. § 362(1)).				

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B 1 (Official Form) 1 (1/08)	وسنجيضي	Page 3					
Voluntary Petition	Name of Debtor(s):						
(This page must be completed and filed in every case.)	Cardwell, Darren, Brent						
Signatures							
Signature(s) of Debtor(s) (Individual/Joint)		Signature of a Foreign Representative					
I declare under penalty of perjury that the information provided in this petition and correct. [If petitioner is an individual whose debts are primarily consumer debts chosen to file under chapter 7] I am aware that I may proceed under chapter or 13 of title 11, United States Code, understand the relief available under en chapter, and choose to proceed under chapter 7. [If no attorney represents me and no bankruptcy petition preparer signs the pen have obtained and read the notice required by 11 U.S.C. § 342(b). I request relief in accordance with the chapter of title 11, United States specified in this petition. X Signature of Joint Debtor 801-548-0983 Telephone Number (if not represented by attorney)	and has 7, 11, 12 ach such tition] I	I declare under penalty of perjury that the information provided in this petition is true and correct, that I am the foreign representative of a debtor in a foreign proceeding, and that I am authorized to file this petition. (Check only one box.) I request relief in accordance with chapter 15 of title 11, United States Code. Certified copies of the documents required by 11 U.S.C. § 1515 are attached. Pursuant to 11 U.S.C. § 1511, I request relief in accordance with the chapter of title 11 specified in this petition. A certified copy of the order granting recognition of the foreign main proceeding is attached. X (Signature of Foreign Representative)					
12/4/09 Date		Date					
Signature of Attorney*		Signature of Non-Attorney Bankruptcy Petition Preparer					
Signature of Attorney for Debtor(s) Printed Name of Attorney for Debtor(s) Firm Name Address Telephone Number Date *In a case in which § 707(b)(4)(D) applies, this signature also constitutes a certification that the attorney has no knowledge after an inquiry that the informin the schedules is incorrect. Signature of Debtor (Corporation/Partnership)		I declare under penalty of perjury that: (1) I am a bankruptcy petition preparer as defined in 11 U.S.C. § 110; (2) I prepared this document for compensation and have provided the debtor with a copy of this document and the notices and information required under 11 U.S.C. §§ 110(b), 110(h), and 342(b); and, (3) if rules or guidelines have been promulgated pursuant to 11 U.S.C. § 110(h) setting a maximum fee for services chargeable by bankruptcy petition preparers, I have given the debtor notice of the maximum amount before preparing any document for filing for a debtor or accepting any fee from the debtor, as required in that section. Official Form 19 is attached. Printed Name and title, if any, of Bankruptcy Petition Preparer Social-Security number (If the bankruptcy petition preparer is not an individual, state the Social-Security number of the officer, principal, responsible person or partner of the bankruptcy petition preparer.) (Required by 11 U.S.C. § 110.) Address					
I declare under penalty of perjury that the information provided in this petition	n is true	X					
and correct, and that I have been authorized to file this petition on behaldebtor. The debtor requests the relief in accordance with the chapter of title 11, Units Code, specified in this petition.	lf of the	Date Signature of bankruptcy petition preparer or officer, principal, responsible person, or partner whose Social-Security number is provided above.					
Signature of Authorized Individual	į	Names and Social-Security numbers of all other individuals who prepared or assisted					
Printed Name of Authorized Individual	_	in preparing this document unless the bankruptcy petition preparer is not an individual.					
Title of Authorized Individual	_ }	If more than one person prepared this document, attach additional sheets conforming					
Date		to the appropriate official form for each person.					
		A bankruptcy petition preparer's failure to comply with the provisions of title 11 and the Federal Rules of Bankruptcy Procedure may result in fines or imprisonment or both. 11 U.S.C. § 110; 18 U.S.C. § 156.					

B 1D (Official Form 1, Exhibit D) (12/08)

UNITED STATES BANKRUPTCY COURT

District of Utah

In re Cardwell, Darren, Brent	Case No.
Debtor	(if known)

EXHIBIT D - INDIVIDUAL DEBTOR'S STATEMENT OF COMPLIANCE WITH CREDIT COUNSELING REQUIREMENT

Warning: You must be able to check truthfully one of the five statements regarding credit counseling listed below. If you cannot do so, you are not eligible to file a bankruptcy case, and the court can dismiss any case you do file. If that happens, you will lose whatever filing fee you paid, and your creditors will be able to resume collection activities against you. If your case is dismissed and you file another bankruptcy case later, you may be required to pay a second filing fee and you may have to take extra steps to stop creditors' collection activities.

Every individual debtor must file this Exhibit D. If a joint petition is filed, each spouse must complete and file a separate Exhibit D. Check one of the five statements below and attach any documents as directed.

- 1. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, and I have a certificate from the agency describing the services provided to me. Attach a copy of the certificate and a copy of any debt repayment plan developed through the agency.
- ☐ 2. Within the 180 days before the filing of my bankruptcy case, I received a briefing from a credit counseling agency approved by the United States trustee or bankruptcy administrator that outlined the opportunities for available credit counseling and assisted me in performing a related budget analysis, but I do not have a certificate from the agency describing the services provided to me. You must file a copy of a certificate from the agency describing the services provided to you and a copy of any debt repayment plan developed through the agency no later than 15 days after your bankruptcy case is filed.

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☐ 3. I certify that I requested credit counseling services from an approved agency but was unable to obtain the services during the five days from the time I made my request, and the following exigent circumstances merit a temporary waiver of the credit counseling requirement so I can file my bankruptcy case now. [Summarize exigent circumstances here.]

If your certification is satisfactory to the court, you must still obtain the credit counseling briefing within the first 30 days after you file your bankruptcy petition and promptly file a certificate from the agency that provided the counseling, together with a copy of any debt management plan developed through the agency. Failure to fulfill these requirements may result in dismissal of your case. Any extension of the 30-day deadline can be granted only for cause and is limited to a maximum of 15 days. Your case may also be dismissed if the court is not satisfied with your reasons for filing your bankruptcy case without first receiving a credit counseling briefing.

☐ 4. I am not required to receive a credit counseling briefing because of:	[Check the
applicable statement.] [Must be accompanied by a motion for determination by	the court.]

- ☐ Incapacity. (Defined in 11 U.S.C. § 109(h)(4) as impaired by reason of mental illness or mental deficiency so as to be incapable of realizing and making rational decisions with respect to financial responsibilities.);
- Disability. (Defined in 11 U.S.C. § 109(h)(4) as physically impaired to the extent of being unable, after reasonable effort, to participate in a credit counseling briefing in person, by telephone, or through the Internet.);
 - ☐ Active military duty in a military combat zone.

☐ 5. The United States trustee or bankruptcy administrator has determined that the credit counseling requirement of 11 U.S.C. § 109(h) does not apply in this district.

I certify under penalty of perjury that the information provided above is true and correct.

Signature of Debtor

Date: 12/04/2009